

REMARKS

According to the Advisory Action of December 23, 2008, the amendments included in the Response to the Official Action of September 4, 2008 filed on December 4, 2008 will be entered. This is reflected in this Response by indicating that the status of claim 11 as "Currently Amended" and claims 12 and 13 as "Previously Presented". Claims 11, 12 and 13 are in this application.

According to the Advisory Action, the Examiner maintains that the claims are obvious over the combination of Sharma in view of Wolf and Faeldt and further in view of Saba, et al.

Applicants respectfully disagree with the Examiner's conclusion that Faeldt teaches that flies may be returned to the media containing the test agent for a period of time and then said media without the test agent for a period of time prior to monitoring locomotive activity. Although Faeldt does disclose in paragraph [0249] that the animal be contacted with the compound during various stages of the life cycle, it is applicant's position that, in fact, even if the flies are contacted at multiple stages of their life cycles, the life cycle of the mutant flies is such that Faeldt does not disclose nor suggest withdrawal from the drug for 30 days. In addition, Faeldt does not disclose measurement after withdrawal from chronic exposure of a drug. Paragraph [0256] that the Examiner refers to is part of Example 1.

In Example 1, mutant flies are exposed to the drug for twelve days. According to the attached information from the University of Arizona, Center for Insect Science, Education Outreach on *Drosophila melanogaster* the average life span of a lab fly is 26 days for a female and 33 days for a male, but under crowded conditions, this may be reduced to 12 days and mutant flies generally have a shorter life span. Therefore, the fact that mutant flies were used and the exposure to the drug correlates to the life span of the flies so that measurements could not have been taken after withdrawal of the drug. Claim 11 of this application includes that the flies are shifted to a drug free media for 30 days. As stated above, this is not taught nor suggested by Faeldt.

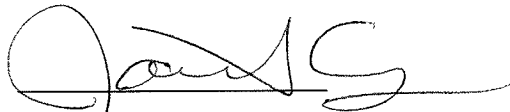
Wolf like Faeldt does not disclose withdrawal from chronic exposure of ethanol.

In view of this and the arguments presently previously, it is applicant's position that these claims are patentable.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

If any fees are due, authorization to charge deposit account 12-0425 is provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janet I. Cord', written over a horizontal line.

JANET I. CORD

LADAS & PARRY LLP

26 WEST 61ST STREET

NEW YORK, NEW YORK 10023

REG. NO.33778 (212)708-1935